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JURY TRIAL DEMAND

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jurisdiction of the United States District Court for the Western District of Texas, El Paso Division.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706 (f) (1) and (3) of Title VII, 42 U.S.C. § 2000e-5 (f) (1) and (3).

4. At all relevant times, Defendant, Moore & Cowart, has continuously been a New Mexico Corporation doing business in the State of Texas, and the City of El Paso, Texas, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Moore & Cowart has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Manuela Anchondo filed a charge with the Commission alleging violations of Title VII by Defendant Moore & Cowart. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February 2001, Defendant, Moore & Cowart has engaged in unlawful employment practices at its El Paso, Texas construction sites, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include subjecting Manuela Anchondo, the only female member of her construction crew, to a sexually hostile work environment, by subjecting her to egregious sexual harassment of a verbal and physical nature, and to hazing, because of her gender.

8. The effect of the practices complained of in paragraph 7 above has been to deprive

Manuela Anchondo of equal employment opportunities and otherwise adversely affect her status as an employee, ~~because~~ because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above ~~were~~ and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above ~~were~~ and are done with malice or with reckless indifference to the federally protected rights of Manuela Anchondo.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, Moore & Cowart, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting its female employees to sexually hostile work environments, and from any employment practice which discriminates on the basis of sex;

B. Order Defendant, Moore & Cowart to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant, Moore & Cowart to make whole Manuela Anchondo, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, medical expenses, in the amounts to be determined at trial;

D. Order Defendant, Moore & Cowart to make whole Manuela Anchondo, by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment

practices complained of in paragraph 7 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

E. Order Defendant, Moore & Cowart to pay Manuela Anchondo punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial;

F. Grant such further relief as the Court deems necessary and proper in the public interest; and

G. Award the Commission its costs of this action.

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The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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